

# EXHIBIT A

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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VALENCIA PEACOCK  
52 Donaldson Road  
Buffalo, New York 14208,

Plaintiff

v.

**SUMMONS**

Index No.

WAL-MART STORES EAST, LP  
5360 Southwestern Boulevard  
Hamburg, New York 14075

BRETT DUMAIN  
469 Hinman Avenue  
Buffalo, New York 14216,

Defendants

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**TO THE ABOVE NAMED DEFENDANTS:**

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon the Plaintiff's attorney, at the address stated below, a written **ANSWER** to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service you must respond within TWENTY (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York you must respond within THIRTY (30) days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above, a Judgment will be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of ERIE because of:

- ☒ Plaintiff's residence, or place of business;  
☐ Defendant's residence;  
☐ Designation made by Plaintiff.

DATED: February 18, 2021

LOTEMPPIO P.C. LAW GROUP

s/BOYD L. EARL, ESQ.

*Attorney(s) for Plaintiff*

181 Franklin Street

Buffalo, New York 14202

(716) 855-3761

STATE OF NEW YORK  
SUPREME COURT : : COUNTY OF ERIE

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VALENCIA PEACOCK,

Plaintiff

v

**COMPLAINT**

Index No.

WAL-MART STORES EAST, LP  
BRETT DUMAIN

Defendants

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The Plaintiff, VALENCIA PEACOCK, by and through her attorneys, LoTEMPIO P.C. LAW GROUP, with offices located at 181 Franklin Street, Buffalo, New York 14202, for her complaint against the Defendants, hereby alleges as follows:

1. At the time of the incident, Plaintiff was a resident of the County of Erie, State of New York.
2. Upon information and belief, at all times herein mentioned, the Defendant, WAL-MART STORES EAST, LP, was a foreign corporation, duly authorized to do business in the State of New York, and the County of Erie, with a principal location at 5360 Southwestern Boulevard, in Hamburg, County of Erie, and State of New York.
3. Upon information and belief, BRETT DUMAIN, was a resident of the County of Erie and State of New York.
4. Upon information and belief at all times herein mentioned, BRETT DUMAIN was an employee of WAL-MART STORES EAST, LP, at the store located at 5360 Southwestern Boulevard, Hamburg, New York.
5. On or about the 19th day of March, 2018, at approximately 1:15 p.m., the

Plaintiff, VALENCIA PEACOCK, was lawfully on the premises at the WAL-MART STORES EAST, LP, located at 5360 Southwestern Boulevard, when she was caused to be injured while a bicycle was being moved by an employee/agent, BRETT DUMAIN.

6. The aforesaid premises were open to the general public.

7. Upon information and belief, the Defendant, WAL-MART STORES EAST, LP, had the duty to train, manage and otherwise supervise the employee who was assisting the Plaintiff with the bicycle.

8. The Defendant, WAL-MART STORES EAST, LP, is responsible for the actions of the aforesaid employee, BRETT DUMAIN pursuant to the doctrine of *respondeat superior*.

9. At the aforesaid time and place, the Plaintiff, VALENCIA PEACOCK, was caused to be injured due to the negligence of the Defendants, their agents, employees, servants.

10. Upon information and belief, the injury to the Plaintiff, VALENCIA PEACOCK, was caused solely and wholly through the negligence of the Defendants, their agents, servants and/or employees and without any negligence on the part of the Plaintiff contributing thereto.

11. Solely, by reason of the negligence, carelessness and recklessness of the Defendant, its agents, servants and/or employees, the Plaintiff, VALENCIA PEACOCK, sustained severe and painful injuries of permanent or indefinite duration, was and will in the future be forced to expend sums of money for doctors, hospitals and other medical expenses all to her damage in an amount greater than the jurisdictional limits of all other courts.

WHEREFORE, the Plaintiff demands judgment against the Defendants together with the costs, disbursements and interest of this action, as follows:

A. The Plaintiff, VALENCIA PEACOCK , in the First Cause of action in an amount greater than the jurisdictional limits of all other courts, and;

B. For such other and further relief as to this Court may seem just and proper.

Dated: Buffalo, New York  
February 18, 2021

Yours etc.,

LoTEMPIO P.C. LAW GROUP

s/BOYD L. EARL, ESQ.  
BOYD L. EARL, ESQ.  
*Attorneys for Plaintiff*  
181 Franklin Street  
Buffalo, New York 14202  
(716) 855-3761